Attachment to Independent Case Review Report
For CDRU # 6577 Case file # 95-257976.

Material Examiner: Malone (RO)

Remarks:

Case resulted in a trial, testimony transcript provided.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fibers

Review commenced at: 2:45 PM (Time), 10/23/02 (Date)

File #: 95-257976

Laboratory #(s): 31027005/31108057
40522059

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
RQ	X☐	☐		☐	☐
TR, TT	☐	X☐		☐	☐
	☐	☐		☐	☐

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): June 13, 1984 Pages: 1-58

Laboratory Report(s):

Laboratory Number: 31027005/31108057 Date: Jan. 11, 1984
Laboratory Number: 40522059 Date: June 4, 1984
Laboratory Number: Date:

Examiner Bench Notes of: RQ and unidentified technician
Laboratory Number: 31027005
40522059

Initials: SRR

CRM - 16164

Was any other material reviewed? X☐ Yes ☐ No

If yes, please identify and/or describe the material: submitting agency letters dated Oct. 25, 1983 and May 14, 1984

Results of Review

File #: 95-257976 Item or Specimen # Reviewed: Q3-Q36, K1-K8, K14, K15

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No X ☐ Unable to Determine

2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes? ☐ Yes X ☐ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

3) Testimony consistent with the laboratory report(s)? ☐ Yes X ☐ No ☐ Unable to Determine

4) Testimony consistent with the bench notes? X ☐ Yes ☐ No ☐ Unable to Determine

5) Testimony within bounds of examiner's expertise? X ☐ Yes ☐ No ☐ Unable to Determine

Initials: SMA

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-257976

#1. It cannot be determined from the notes if the tests were performed in a scientifically acceptable manner.

#2. The results are not adequately documented in the notes. The notes are not initialed or dated, are in pencil instead of ink and use abbreviations difficult to interpret. The technician did not document the recovery of hair from the evidence.

#3. The testimony about the significance of the hair match (p. 36) that it would be "highly unlikely" to find somebody else with head and pubic hair like the victim's hair is much stronger than the opinion in the lab report that the hair "could have originated from the victim". The report further states "It is pointed out that hair comparisons do not constitute a basis for positive personal identification". The testimony is also much stronger than this statement in the report.

Review completed at: 4:30 PM (Time), 10/23/02 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1.75 hrs.

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.

Steve Roberts — Oct. 23, 2002

(Signature) (Date)

Initials: SR